

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA, §
§
v. § **EP-11-CR-2728-KC**
§
ANGEL OCASIO. §

ORDER

On this day the Court considered the above-captioned case. The Court makes the following scheduling adjustments in light of Angel Ocasio's Motion for Reconsideration of Order Denying Motion to Suppress, for Deferral of Ruling on Motion to Suppress or for Alternative Motion for Continuance, ECF No. 164, and Motion Requesting that *Daubert* Hearing Proceed by Proffers or, in the Alternative, that Expert Tami Loehrs be Permitted to Appear at Scheduled Hearing by Telephone or Through Video Link ("*Daubert* Motion"), ECF No. 166.

First, the Court holds Ocasio's *Daubert* Motion in abeyance to give the government and Ocasio the opportunity to meet and confer to determine if a stipulation can be reached between the parties regarding the scope of expert Tami Loehrs's testimony in light of the Court's previous *Daubert* Order in *United States v. Cervantes-Perez*, EP-12-CR-217-KC (W.D. Tex. Dec. 11, 2012).

Second, the Court **ORDERS** the following scheduling adjustments:

- 1) The current trial date of June 21, 2013, is vacated.
- 2) The *Daubert* Hearing scheduled for June 18, 2013, is canceled.
- 3) A status conference is scheduled for July 8, 2013, at 10:30 a.m. At this status conference, the parties will be requested to advise the Court regarding the following matters:
 - A. An update on the testing of the CPS program;
 - B. The ability of the parties to reach any stipulation regarding the testifying experts in this case; and
 - C. Proposed trial dates.

IT IS FURTHER ORDERED that the time period between June 21, 2013 and the date set above for status conference is excludable under the provisions of Title 18, United States Code, section 3161(h)(8)

SO ORDERED.

SIGNED this 17th day of June, 2013.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE